
SUBSTITUTE HOUSE BILL 2130

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Technology, Telecommunications & Energy
(originally sponsored by Representatives Morris, Delvin, Sullivan,
Chandler, Wallace and Anderson)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to reducing the duplication of electric facilities;
2 and amending RCW 80.32.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 80.32.010 and 1985 c 469 s 62 are each amended to read
5 as follows:

6 (1) The legislative authority of the city or town having control of
7 any public street or road, or, where the street or road is not within
8 the limits of any incorporated city or town, then the county
9 legislative authority of the county wherein the road or street is
10 situated, may grant authority for the construction, maintenance and
11 operation of transmission lines for transmitting electric power,
12 together with poles, wires and other appurtenances, upon, over, along
13 and across any such public street or road, and in granting this
14 authority the legislative authority of the city or town, or the county
15 legislative authority, as the case may be, may prescribe the terms and
16 conditions on which the transmission line and its appurtenances, shall
17 be constructed, maintained and operated upon, over, along and across
18 the road or street, and the grade or elevation at which the same shall
19 be constructed, maintained and operated: PROVIDED, That on application

1 being made to the county legislative authority for such authority, the
2 county legislative authority shall fix a time and place for hearing the
3 same, and shall cause the county auditor to give public notice thereof
4 at the expense of the applicant, by posting written or printed notices
5 in three public places in the county seat of the county, and in at
6 least one conspicuous place on the road or street or part thereof, for
7 which application is made, at least fifteen days before the day fixed
8 for such hearing, and by publishing a like notice once a week for two
9 consecutive weeks in the official county newspaper, the last
10 publication to be at least five days before the day fixed for the
11 hearing, which notice shall state the name or names of the applicant or
12 applicants, a description of the roads or streets or parts thereof for
13 which the application is made, and the time and place fixed for the
14 hearing. The hearing may be adjourned from time to time by order of
15 the county legislative authority. If after such hearing the county
16 legislative authority shall deem it to be for the public interest to
17 grant the authority in whole or in part, it may make and enter the
18 proper order granting the authority applied for or such part thereof as
19 it deems to be for the public interest, and shall require the
20 transmission line and its appurtenances to be placed in such location
21 on or along the road or street as it finds will cause the least
22 interference with other uses of the road or street. In case any such
23 transmission line is or shall be located in part on private right of
24 way, the owner thereof shall have the right to construct and operate
25 the same across any county road or county street which intersects the
26 private right of way, if the crossing is so constructed and maintained
27 as to do no unnecessary damage: PROVIDED, That any person or
28 corporation constructing the crossing or operating the transmission
29 line on or along the county road or county street shall be liable to
30 the county for all necessary expense incurred in restoring the county
31 road or county street to a suitable condition for travel.

32 (2)(a) In addition to the authority in subsection (1) of this
33 section, where two or more electric utilities, as defined in RCW
34 19.29A.010(12), operate within a contiguous or overlapping geographic
35 area, a city, town, or county legislative authority may require an
36 agreement between the electric utilities to discourage and reduce the
37 duplication of transmission lines and other appurtenances and to carry
38 out the policy in RCW 54.48.020.

1 (b) The agreement must be filed with the city, town, or county that
2 requires the agreement and the city, town, or county must approve the
3 agreement by adopting an ordinance.

4 (c) This subsection shall not apply to an electric utility's
5 transmission lines or other appurtenances in place prior to the
6 effective date of this act. Any addition to or expansion of
7 transmission lines and appurtenances existing after the effective date
8 of this act are subject to this subsection.

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